UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/602,500	DANKER ET AL.
	Examiner	Art Unit	
	JEREMY DUFFIELD	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 January 2008</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4,17-28,30-38 and 42-50</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4,17-28,30-38 and 42-50</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

1.   Examiner's Art Unit has changed from 2609 to 2623.

Response to Arguments

2.   Applicant's arguments filed 01/04/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the reference fails to teach "cross-referencing, at the server...RFI was initiated" (Para. 26), the examiner respectfully disagrees. Applicant argues that the reference, Tomsen, teaches that supplemental content related to a television broadcast can be provided in response to an unprompted information request initiated by a client. Tomsen teaches the content source, i.e. server, stores supplemental content including advertisements according to a time index, (Para. 46, lines 2-7; Para. 80, line 1-Para. 81, line 9), and when the user presses the "Find" button, the time index of the button press is sent to the content source. Based on the time index of the button press, the content source identifies the specific supplemental content, i.e. advertisements and content related to the discrete segment of the television program (Para. 80, line 1-Para. 81, line 9).

In response to applicant's argument that the reference fails to teach "in response to...derive search terms" (Para. 26), the examiner respectfully disagrees. Applicant argues that the reference, Tomsen, teaches that supplemental content related to a television broadcast can be provided in response to an unprompted information request

initiated by a client. Tomsen teaches when the "Find" button is pressed, the current page of closed-captioning text is transmitted with the information request, and the keywords taken from the text are used to search the content source. The process does not rely on any time code data being available at the content source, and therefore, is used in response to no time code data being available.

In response to applicant's argument that the references fail to teach "wherein the performing...to the user" (Para. 39), the examiner respectfully disagrees. Applicant argues that the reference, Kay, teaches that a product is shipped in response to a paid order. Tomson teaches the content source has information and mechanisms for completing an electronic transaction (Para. 70, lines 11-13). Kay teaches completing an electronic transaction and shipping the product to the user (Col. 5, line 65-Col. 6, line 1). Using Tomson in view of Kay provides shipping requested information from a server to a user.

3.   Applicant's arguments with respect to claim 22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 22 recites the limitation "the client information further

comprises" in Line 17. There is insufficient antecedent basis for this limitation in the

claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-3, 5-14, 17, 19-21, 31, 32, 35-38, 42-45, and 48-50 are rejected under

35 U.S.C. 102(e) as being anticipated by Tomsen (US 2002/0147984).

Regarding claim 1, Tomsen teaches a method comprising:

detecting a request for information (RFI) initiated by a user while

accessing a content program (Para. 17, lines 1-9);

transmitting RFI data to a server on a broadcast network (Para. 17, lines

1-2); and wherein the RFI data includes:

a time at which the RFI was initiated; a channel accessed at the time the

RFI was initiated (Para. 16, lines 1-9); and

closed caption data associated with the content program that occurred

prior to and including the time at which the RFI was initiated (Para. 16, lines 1-9).

determining if the content program is a program or an advertisement

(Para. 88, lines 1-11); Tomsen meets this limitation in the fact that an

advertisement/program has to be identified for the purpose of accessing

commercial opportunities (Para. 112, lines 4-8) and for receiving information on

television programs (Para. 17, lines 7-9), wherein the determining comprises:

cross-referencing, at the server, a time at which the RFI was initiated, i.e.

time which indicates when a user presses the "Find" button (Para. 80, lines 1-6),

with content item time code data, i.e. indexed according to time at the content

source (Para. 81, lines 1-9), to determine whether a program or an advertisement

was scheduled at the time the RFI was initiated (Para. 81, lines 1-9; Para. 88,

lines 1-11), wherein the time code information includes intra-program information

relating to when commercials are scheduled within the program, i.e.

supplemental content, which includes advertisements, are indexed according to

time and stored at the content source (Para. 46, lines 5-11; Para. 81, lines 1-9);

in response to no such time code data being available, using the closed

caption data to derive search terms, Note: The deriving of the keywords from the

closed-captioning text does not depend on time code data. Therefore, Tomson

meets this limitation (Para. 84, lines 1-12);

searching, at the server, a reference database using the search terms, i.e.

searching the supplemental content at the content source (Para. 84, lines 1-12;

Para. 87, lines 3-11); and

determining from matches derived from the search if the content item is a

program or an advertisement (Fig. 1, el. 124; Para. 88, lines 3-10). Tomsen

meets this limitation in the fact that an advertisement/program has to be identified

for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and

for receiving information on television programs (Para. 17, lines 7-9).

Regarding claim 2, Tomsen teaches the closed caption data further

comprises a predefined amount, i.e. current page, of closed caption data (Para.

84, lines 4-7).

Regarding claim 3, Tomsen teaches the amount of closed caption data

further comprises a number of seconds of closed caption data (Para. 84, lines 4-

7). Examiner equates sending a predetermined number of seconds of closed

caption data and sending a current page of closed caption text.

Regarding claim 5, Tomsen teaches the amount of closed caption data

further comprises a number of bytes of closed caption data (Para. 84, lines 4-7).

Examiner equates sending a predetermined number of bytes of closed caption

data and sending a current page of closed caption text.

Regarding claim 6, Tomsen teaches receiving a system message from the server in response to the transmission of the RFI data (Para. 96, lines 1-3).

Regarding claim 7, Tomsen teaches displaying the system message to the user (Para. 96, lines 1-3).

Regarding claim 8, Tomsen teaches the displaying step occurs in response to a prompt from the user to display the system message (Para. 99, lines 1-8).

Regarding claim 9, Tomsen teaches storing the system message in memory until prompted to display the system message (Para. 101, lines 1-3).

Regarding claim 10, Tomsen teaches the request for information is initiated by a single button actuation (Para. 72, lines 1-5).

Regarding claim 11, Tomsen teaches the content program is one of the following types of content program: video, audio, audio/visual, multimedia (Para. 16, lines 1-9).

Regarding claim 12, Tomsen teaches a method, comprising:

receiving request for information (RFI) data from a client device on a

content broadcasting network (Para. 72, lines 7-10), the RFI data indicating that

a client device user has requested information about a content item accessed by

the client device when a request for information was initiated (Para. 70, lines 1-

8);

determining if the content item is a content program or an advertisement

(Para. 88, lines 1-10); Tomsen meets this limitation in the fact that an

advertisement/program has to be identified for the purpose of accessing

commercial opportunities (Para. 112, lines 4-8) and for receiving information on

television programs (Para. 17, lines 7-9);

identifying a content program title associated with the content program if

the content item is a content program (Para. 83, lines 1-8);

identifying an advertiser associated with the advertisement if the content

item is an advertisement (Para. 83, lines 1-8); Tomsen meets this limitation in the

fact that an advertiser has to be identified for the purpose of accessing

commercial opportunities (Para. 112, lines 4-8; Para. 70, lines 11-13);

performing an action specified for the identified content item (Para. 17,

lines 3-9); and

wherein the RFI data includes at least a time at which the RFI was

initiated and a channel accessed at the time the RFI was initiated (Para. 16, lines

1-9);

the RFI data further comprises closed caption data associated with the

content item that occurred prior to and including the time at which the RFI was

initiated (Para. 16, lines 1-9); and

determining if the content program is a program or an advertisement

(Para. 88, lines 1-11); Tomsen meets this limitation in the fact that an

advertisement/program has to be identified for the purpose of accessing

commercial opportunities (Para. 112, lines 4-8) and for receiving information on

television programs (Para. 17, lines 7-9), wherein the determining comprises:

cross-referencing, at the server, a time at which the RFI was initiated, i.e.

time which indicates when a user presses the "Find" button (Para. 80, lines 1-6),

with content item time code data, i.e. indexed according to time at the content

source (Para. 81, lines 1-9), to determine whether a program or an advertisement

was scheduled at the time the RFI was initiated (Para. 81, lines 1-9; Para. 88,

lines 1-11), wherein the time code information includes intra-program information

relating to when commercials are scheduled within the program, i.e.

supplemental content, which includes advertisements, are indexed according to

time and stored at the content source (Para. 46, lines 5-11; Para. 81, lines 1-9);

in response to no such time code data being available, using the closed

caption data to derive search terms, Note: The deriving of the keywords from the

closed-captioning text does not depend on time code data. Therefore, Tomson

meets this limitation (Para. 84, lines 1-12);

searching, at the server, a reference database using the search terms, i.e.

searching the supplemental content at the content source (Para. 84, lines 1-12;

Para. 87, lines 3-11); and

determining from matches derived from the search if the content item is a

program or an advertisement (Fig. 1, el. 124; Para. 88, lines 3-10). Tomsen

meets this limitation in the fact that an advertisement/program has to be identified

for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and

for receiving information on television programs (Para. 17, lines 7-9).

Regarding claim 13, Tomsen teaches the performing an action further

comprises sending information to the user (Para. 94, line 1-Para. 95, line 5), the

information being related to the content item (Para. 88, lines 3-10).

Regarding claim 14, Tomsen teaches performing an action further

comprises sending user information to an entity associated with the content item

so that the entity can provide information related to the content item to the

user (Fig. 7, el. 602, 704, 406a-d).

Regarding claim 17, Tomsen teaches the reference database further

comprises keywords, one or more keywords being associated with one or more

content items (Fig. 7, el. 406b).

Regarding claim 19, Tomsen teaches the identifying an advertiser further

comprises:

comparing the closed caption data to advertiser keywords (Para. 87, lines

3-11); and

identifying an advertiser from one or more matches derived from the

search (Para. 89, lines 3-10; Fig. 7, el. 406b). Tomsen meets this limitation in

the fact that an advertiser has to be identified for the purpose of accessing

commercial opportunities (Para. 112, lines 4-8; Para. 70, lines 11-13).

Regarding claim 20, Tomsen teaches identifying a program title further

comprises:

identifying which of several programs was broadcast on the channel

identified in the RFI data at the time identified in the RFI data (Para. 16, lines 1-

9); and

identifying a title, i.e. name, associated with the identified program (Para.

83, lines 1-8).

Regarding claim 21, Tomsen teaches the RFI data further comprises

closed caption data associated with the content program that occurred prior to

and including the time at which the RFI was initiated (Para. 84, lines 1-7); and

the identifying an advertiser further comprises:

deriving one or more search terms from the closed caption data (Para. 84, lines 4-12); and

searching an advertiser information database, i.e. content source, to identify an advertiser. Tomsen meets this limitation in the fact that an advertiser has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8; Para. 70, lines 11-13).

Regarding claim 31, Tomsen teaches a broadcast network server, comprising:

electronic program guide data that provides program information and scheduling information for a plurality of content items available on a broadcast network (Para. 83, lines 5-8);

a response module configured to receive a request for information from a network client containing closed caption data associated with a selected content item accessed at the network client at a time when a client user entered a request for information (Para. 16, line1-Para. 17, line 2);

a search program configured to perform a search using search terms derived from the closed caption data to determine a sponsor associated with the selected content item (Para. 87, lines 2-11);

a rules module configured to associate a rule, i.e. supplemental content, with a sponsor associated with the selected content item (Para. 70, lines 1-13); and

wherein the response module is further configured to execute an action specified by the rules module (Para. 70, lines 1-13; Para. 94, line1-Para. 95, line 5);

determine whether the request for information was entered during a program or during an advertisement, (Para. 88, lines 1-11); Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9), by

cross-referencing a time at which the RFI was initiated, i.e. time which indicates when a user presses the "Find" button (Para. 80, lines 1-6), with content item time code data, i.e. indexed according to time at the content source (Para. 81, lines 1-9), to determine whether a program or an advertisement was scheduled at the time the RFI was initiated (Para. 81, lines 1-9; Para. 88, lines 1-11), wherein the time code information includes intra-program information relating to when commercials are scheduled within the program, i.e. supplemental content, which includes advertisements, are indexed according to time and stored at the content source (Para. 46, lines 5-11; Para. 81, lines 1-9);

in response to no such time code data being available, using the closed caption data to derive search terms, Note: The deriving of the keywords from the closed-captioning text does not depend on time code data. Therefore, Tomson meets this limitation (Para. 84, lines 1-12);

search a reference database using the search terms, i.e. searching the

supplemental content at the content source (Para. 84, lines 1-12; Para. 87, lines

3-11); and

determine from matches derived from the search if the content item is a

program or an advertisement (Fig. 1, el. 124; Para. 88, lines 3-10). Tomsen

meets this limitation in the fact that an advertisement/program has to be identified

for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and

for receiving information on television programs (Para. 17, lines 7-9).

Regarding claim 32, Tomsen teaches a program information module (Fig.

7, el. 406a-d);

an advertisement information module (Fig. 1, el. 118; Para. 46, lines 4-11);

and wherein:

the search module is further configured to search the program information

module if the request for information was entered during a program (Para. 87,

lines 2-11); and

to search the advertiser information module if the request for information

was entered during an advertisement (Para. 87, lines 2-11).

Regarding claim 35, Tomsen teaches a keywords module (Fig. 7, el.

406a-d); and

Wherein the search module is further configured to search the keywords module with the search terms derived from the closed caption data (Para. 87, lines 3-11); and

the response module is further configured to determine whether the request for information was entered during a program or during an advertisement from search results. Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9.

Regarding claim 36, Tomsen teaches the action further comprises one or more actions selected from the following list of actions: system message; e-mail message; post mailing (Para. 96, lines 1-3).

Regarding claim 37, Tomsen teaches a client information module, i.e. user profile database, that contains information about how to contact a subscriber associated with the network client (Fig. 7, el. 704); and

wherein the action further comprises transmitting client information related to the network client from which the request for information was received to the sponsor (Para. 70, lines 1-13).

Regarding claim 38, Tomsen teaches a program information module that stores information available for content items available on the broadcast network (Fig. 7, el. 406a-d);

wherein the action further comprises sending information available for the selected content item to the network client (Para. 94, line 1-Para. 95, line 5).

Regarding claim 42, Tomsen teaches one or more computer-readable media including computer- executable instructions that, when executed on a computer (Fig. 7, el. 704, 406a-d), perform the following steps:

receiving request for information data from a client connected to a broadcast network (Para. 87, lines 3-5);

the request for information data including closed caption data that is associated with a content item viewed at the client at the time a request for information was input by a user, (Para. 16, lines 1-9), and a time stamp that is associated with a content item viewed at the client at the time a request for information was input by a user (Para. 16, lines 1-9; Para. 80, lines 1-6);

cross-referencing the time stamp at which the RFI was initiated, i.e. time which indicates when a user presses the "Find" button (Para. 80, lines 1-6), with content item time code data, i.e. indexed according to time at the content source (Para. 81, lines 1-9), to determine whether a program or an advertisement was scheduled at the time the RFI was initiated (Para. 81, lines 1-9; Para. 88, lines 1-11), wherein the time code information includes intra-program information

relating to when commercials are scheduled within the program, i.e.

supplemental content, which includes advertisements, are indexed according to

time and stored at the content source (Para. 46, lines 5-11; Para. 81, lines 1-9);

if no such time code data is available, analyzing the closed caption data to

determine if the request for information was input during a program or during an

advertisement, Note: analyzing the closed-captioning data does not depend on

time code data and an advertisement/program has to be identified for the

purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for

receiving information on television programs (Para. 17, lines 7-9). Therefore,

Tomson meets this limitation (Para. 84, lines 1-12);

and

to determine a sponsor associated with the program or advertisement

(Para. 70, lines 1-13);

determining an action to take depending on the sponsor determination, i.e.

completing a transaction or returning search results (Para. 70, lines 1-13); and

performing the action (Para. 70, lines 1-13; Para. 94, line1-Para. 95, line

5).

Regarding claim 43, Tomsen teaches performing an action further

comprises sending user-identifying information to the sponsor, i.e. producer, that

the sponsor can use to send information to the user (Fig. 7, el. 602, 704, 406c).

Regarding claim 44, Tomsen teaches performing an action further comprises sending information related to the sponsor to the user (Para. 70, lines 1-13).

Regarding claim 45, Tomsen teaches performing an action further comprises sending a system message, i.e. search results, to the user (Para. 96, lines 1-3).

Regarding claim 48, Tomsen teaches analyzing the closed caption data to determine if the request for information was input during a program or during an advertisement further comprises:

searching a plurality of keywords using search terms derived from the closed caption data (Fig. 7, el. 406b; Para. 84, lines 1-12); and

determining if the request for information was input during a program or during an advertisement from matches generated by the search (Fig. 1, el. 124; Para. 88, lines 3-10). Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9).

Regarding claim 49, Tomsen teaches analyzing the closed caption data to determine if the request for information was input during a program or during an advertisement further comprises:

searching text databases corresponding to a plurality of content items using search terms derived from the closed caption data (Para. 84, lines 7-12; Para. 87, lines 6-11); and

determining if the request for information was input during a program or during an advertisement from matches generated by the search (Para. 88, lines 3-10). Tomsen meets this limitation in the fact that an advertisement/program has to be identified for the purpose of accessing commercial opportunities (Para. 112, lines 4-8) and for receiving information on television programs (Para. 17, lines 7-9).

Regarding claim 50, Tomsen teaches the sponsor further comprises a program producer or an advertiser (Fig. 7, el. 406a-d; Para. 112, lines 4-8).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen.

Regarding claim 4, Tomsen teaches all elements of claims 1, 2, and 3.

Tomsen does not clearly teach the number of seconds of closed caption data further comprises ten seconds or less.

Office Notice is taken that it is well-known to have the amount of closed caption data to be ten seconds or less. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's amount of closed caption data to be sent to be in the amount of ten seconds or less so that bandwidth can be preserved for other uses.

10.   Claims 18, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen in view of Corey (US 5,703,655).

Regarding claim 18, Tomsen teaches all elements of claim 12.

Tomsen does not clearly teach the reference database further comprises scripts of content items that can be compared with the search terms.

Corey teaches the reference database further comprises scripts, i.e. index text record, of content items that can be compared with the search terms (Col. 2, lines 20-24).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's reference database to include scripts of content items to compare with the search terms so that the desired content can be located and retrieved.

Regarding claim 33, Tomsen teaches all elements of claims 31 and 32.

Tomsen does not clearly teach the program information module contains at least a portion of a script of one or more content items available on the broadcast network.

Corey teaches the program information module contains at least a portion of a script, i.e. index text record, of one or more content items available on the broadcast network (Col. 2, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's program information module to have at least a portion of a script of one or more content items available on the broadcast network so that the desired content can be located and retrieved.

Regarding claim 34, Tomsen teaches all elements of claims 31 and 32.

Tomsen does not clearly teach the advertiser information module contains at least of portion of a script of one or more advertisements during broadcasts available on the broadcast network.

Corey teaches the advertiser information module contains at least a portion of a script of one or more advertisements during broadcasts available on the broadcast network (Col. 2, lines 20-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's advertiser information module to have at least a portion of a script of one or more advertisements during broadcasts available on the broadcast network so that the desired content can be located and retrieved.

11.   Claims 22-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen in view of Harris (US 7,114,170).

Regarding claim 22, Tomsen teaches a client device, comprising:

a processor (Fig. 3, el. 312);

.memory (Fig. 3, el. 306, 310);

at least one channel tuner (Para. 51, lines 1-6);

input means for accepting user input (Fig. 2, el. 212);

a closed caption buffer configured to store a predefined amount of latest available closed caption data (Fig. 3, el. 306, 310);

a request for information application configured to receive and identify a request for information input from a user and transmit request for information data to a server (Para. 72, lines 1-10); and

wherein:

the request for information data includes a channel identifier that identifies a channel tuned to by the channel tuner at the time the request for information was received, a time stamp that identifies a time that the request for information

was received, and closed caption data contained in the closed caption buffer (Para. 16, lines 1-9); and

the client information further comprises information necessary to sufficiently identify a subscriber associated with the client device so that information may be sent to the subscriber by one or more delivery modes, (Para. 76, lines 1-8),

wherein the client information includes a client device identifier (Para. 76, lines 1-5).

Tomsen does not clearly teach the client information includes an e-mail address and a mailing address.

Harris teaches a user profile that has address information and an e-mail address (Fig. 2, el. 215, 245; Col. 6, lines 5-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's client information with address information and an e-mail address, as taught by Harris, for the purpose of having contact information for receiving incentives and promotions.

Regarding claim 23, Tomsen in view of Harris teaches a channel identifier configured to identify a broadcast channel accessed by the channel tuner (Tomsen-Para. 16, lines 1-9).

Regarding claim 24, Tomsen in view of Harris teaches a time stamp

module configured to identify a time at which user input is received (Tomsen-

Para. 16, lines 1-9).

Regarding claim 25, Tomsen in view of Harris teaches a closed caption

application configured to receive a closed caption signal from a server and

display closed caption information with content being shown on a display

(Tomsen-Para. 84, lines 1-3).

Regarding claim 26, Tomsen in view of Harris teaches the input means

further comprises a button that, when actuated by the user, enters the request for

information (Tomsen-Para. 84, lines 4-7).

Regarding claim 27, Tomsen in view of Harris teaches the closed caption

buffer contains a predefined number of seconds of closed caption data that

occurred prior to the request for information (Tomsen-Para. 84, lines 4-7).

Examiner equates sending a predetermined number of seconds of closed caption

data and sending a current page of closed caption text.

Regarding claim 28, Tomsen in view of Harris teaches the closed caption

buffer contains a predefined number of bytes of closed caption data that occurred

prior to the request for information (Tomsen-Para. 84, lines 4-7). Examiner

equates sending a predetermined number of bytes of closed caption data and

sending a current page of closed caption text.

Regarding claim 30, Tomsen in view of Harris teaches messaging means

for receiving a system message from the server; and display means for

displaying the system message (Tomsen-Para. 96, lines 1-3).

12.   Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen

in view of Taylor (US 6,710,812).

Regarding claim 46, Tomsen teaches all elements of claim 42.

Tomsen does not clearly teach performing an action further comprises

sending an e-mail message to the user.

Taylor teaches performing an action further comprises sending an e-mail

message to the user (Col. 9, lines 15-17).

Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Tomsen to send an e-mail to the user

so as to provide another method to receive supplemental information for a

particular advertisement or television program.

13.   Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tomsen

in view of Kay (US 7,110,714).

Regarding claim 47, Tomsen teaches all elements of claim 42.

Tomsen does not clearly teach the performing an action further comprises sending information via post to the user.

Kay teaches the performing an action further comprises sending information via post, i.e. shipment to the user (Col. 5, line 65-Col. 6, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tomsen's information sending process to include sending information via post to the user using the product shipping process as taught by Kay, for the purpose of receiving product information in the mail.

Conclusion

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY DUFFIELD whose telephone number is (571)270-1643. The examiner can normally be reached on Mon.-Thurs. 8:00 A.M.-5:30 P.M. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

13 February 2008
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